

**CITY COUNCIL MINUTES**  
**October 27, 2008**  
**REGULAR SESSION**

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, October 27, 2008 at 6:00 p.m. with Mayor Keith Nesbitt presiding and City Clerk Joseph G.R. Labrie recording the minutes.

**CALL TO ORDER**

**ROLL CALL:**

**Council Members Present:** Bob Snyder, Kevin Hanley, J. M. Holmes, Bridget Powers, Keith Nesbitt

**Council Members Absent:** None

**Staff Members Present:** City Manager Robert Richardson, City Attorney Michael Colantuono, Community Development Director Will Wong, Fire Chief Mark D'Ambrogi, Public Works Director Jack Warren, Administrative Services Director Andy Heath

By **MOTION** to adjourn to closed session pursuant to Government Code Section 54956.8: **MOTION: Holmes/Powers**

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**  
G.C. 54956.8

Property: East Area Hangar Project Ground Lease  
Auburn Municipal Airport

Agency  
Negotiator: Bob Richardson, City Manager

Negotiating Parties: City of Auburn, All Potential Ground Lessors

Under Negotiation: Price and Terms of Payment

**CONFERENCE WITH LEGAL COUNSEL**

The City Council/Agency finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation.

**Initiation of Litigation;**                      One case

## **REPORT OUT OF CLOSED SESSION**

No reportable action.

**PLEDGE OF ALLEGIANCE:**      Led by Eagle Scout Steven J.W. Wood

## **MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS**

Commendation:      Steven J. W. Wood, Eagle Scout  
Commendation:      Auburn Travel Study Club Celebrating 100 Years  
Proclamation:      Placer Recycles Day  
Proclamation:      Veterans Day, November 11, 2008

Mayor Nesbitt acknowledged Jenna Neilson, Auburn Journal Reporter, and wished her well in her new endeavors.

## **AGENDA APPROVAL**

The agenda was approved as presented by consensus of the Council.

## **CONSENT CALENDAR**

City Attorney Colantuono said, "On Item 3 staff would not like to pull the item from the consent calendar, but would like to change its recommendation with respect to the environmental action to be taken on the East Area Hangar Waterline. Instead of finding it categorically exempt from CEQA, staff recommends you find that the appropriate environmental review for this action was the CEQA document done for the Airport Master Plan, which Master Plan includes the East Area Hangar Project. So, we do have CEQA compliance. We do not need an exemption."

### **1.      Minutes**

By **MOTION** approve City Council Minutes of the September 22, 2008 Regular Session and September 22, 2008 Joint Meeting.

2. **Funding Request for Phenomenon Movie Reunion**

Item follows Consent Calendar; removed at the request of Council Member Snyder.

3. **Auburn Airport East Area Hangar Waterline Project – Bid Award**

By **RESOLUTION 08-135** authorize the Director of Public Works to execute a construction contract with Ken Clark Excavation for the Auburn Airport East Area Hangar Waterline Project in an amount not to exceed \$273,580.80.

4. **Vintage Oaks Lift Station Upgrade Project – Bid Award**

Item follows Consent Calendar; removed at the request of Mayor Nesbitt.

5. **Funding Request - Commercial Airtime with Wave Communication**

By **MOTION** approve the purchase of 240 Television Commercial slots to facilitate a joint EDC/Think Auburn First Television Campaign.

6. **Amendment to Development Fee Agreement for the Baltimore Ravine Project**

Item follows Consent Calendar; removed at the request of Council Member Powers.

\*\*\*\*\* End of Consent Calendar \*\*\*\*\*

By **MOTION** approve the Consent Calendar consisting of Items 1, 3 with the amendment suggested by the City Attorney, and Item 5. **MOTION: Hanley/Holmes/ Approved 5:0**

2. **Funding Request for Phenomenon Movie Reunion**

Council Member Snyder said that he wanted to give special thanks to Linda Robinson for her hard work on this project and expressed his continued support for Old Town endeavors.

By **MOTION** approve the Economic Development Commission's recommendation to provide \$400 in funding for the Phenomenon Movie Reunion, and approve the placement of a commemorative plaque in the street in Old Town. **MOTION: Hanley/Powers/Approved 5:0**

4. **Vintage Oaks Lift Station Upgrade Project – Bid Award**

Mayor Nesbitt expressed concern that BRC Construction's bid for Item No. 6 was far lower than other bidders. Public Works Director Jack Warren explained that Dan Rich had done research on the item. He said the contractor may have moved some money around on his bid, but the item is as specified.

Council Member Hanley wanted to make certain that contingencies are only granted when really justified.

Council Member Snyder asked if this would result in new sewer rates for those affected by the project. Public Works Director Warren said it would actually result in a reduction because it will eliminate one lift station entirely.

Dan Sokol, 1330 Deerwood Place, stated that he resides approximately 500 feet from one of the current lift stations. He advised that odors have never reached his home in the past. He said he would like assurance that it will not happen with the new lift station.

Mayor Nesbitt said that he lives in Vintage Oaks and would abstain from the vote. He said in the event that there is a reduction in rates, it could create a conflict of interest for him.

- A. By **RESOLUTION 08-136** authorize the Director of Public Works to execute a construction contract with BRC Construction for the Vintage Oaks Lift Station Upgrade Project in an amount not to exceed \$900,473.20. **MOTION: Holmes/Powers/Approved 4:0 (Abstain Nesbitt)**
- B. By **MOTION** find the Vintage Oaks Lift Station Upgrade Project categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Existing Facilities) and Section 15303 (New Construction or Conversion of Small Structures). **MOTION: Holmes/Powers/Approved 4:0 (Abstain Nesbitt)**

6. **Amendment to Development Fee Agreement for the Baltimore Ravine Project**

Council Member Powers asked about funds placed in an account by the developer to cover City costs. Community Development Director Will Wong advised that developer has paid all of his bills in a timely manner.

By **RESOLUTION 08-137** authorize the City Manager to execute the Amendment to the Development Fee Agreement for the Baltimore Ravine Project. **MOTION: Holmes/Powers/Approved 5:0**

7. **Public Comment**

Public Works Director Jack Warren introduced the City's new Associate Engineer, Carie Huff.

Council Member Holmes stated that the Council received a letter from a citizen about a transit driver using a cell phone while the bus was in route. He said it is his hope that action has been taken so that it will not happen again.

Council Member Holmes stated that he attended a meeting of Save the Auburn Ravine Salmon and Steelhead organization. He advised that the group is receiving support from a number of organizations including the fishery group from the National Oceanic and Atmospheric Agency and the California Department of Fish and Game.

## **REPORTS**

8. **City Council Committee Reports**

Council Member Hanley mentioned that SACOG is working on the Rural Urban Connections program which involves tours in rural areas looking at ranches and farms. He said it is useful in informing members about regulations regarding water and air pollution that average farmers and ranchers have to endure, and the danger that they could be put out of business. He said, secondly, SACOG is working with the Corps of Engineers "to try to get some streamlining on their permits." He said it could benefit Placer County's conservation plan as well as other jurisdictions.

Council Member Powers stated that she and Mr. Sokol are members of the Solid Waste Transfer Task Force. She said they are proud of their National Recycle Day, November 15, 2008, and encourage people to participate.

## **COUNCIL BUSINESS**

9. **Adoption of Records Retention Guidelines and Update to Police Procedure for Records Destruction**

City Attorney Michael Colantuono introduced the item. He explained that under State law it not permissible for the City to destroy records without

the approval of the City Council and the signature of the City Attorney. He said that any modern records management system requires the destruction of records fairly routinely. He said it would be burdensome for the Council to respond constantly to requests for authority to destroy records. He explained that the way cities accomplish the statutory objective is to adopt a records retention policy by Council action. He said the records retention policy describes the records of the City and authorizes the destruction according to a schedule. He explained that some records are never destroyed, some are kept for a period of time, and others are routinely destroyed. He said Council action would reflect an update to the current policy.

By **RESOLUTION 08-138** adopt the most current California Secretary of State Local Government Records Retention Guidelines as minimum criteria for records retention and destruction of documents. **MOTION:**  
**Hanley/Powers/Approved 5:0**

Council Member Holmes commented that the City Manager and staff are looking at ways to preserve the City records in the event of a disaster.

10. **Wastewater Treatment Plant – Resume Engineering Design of Onsite Improvements**

Public Works Director Jack Warren stated that a committee had been formed consisting of Mayor Nesbitt, Council Member Snyder, the City Manager and Mr. Warren. He said the firm of Brown and Caldwell was asked to provide a report to define the cost of the Auburn pipeline from the Wastewater Plant to Lincoln. He said Brown and Caldwell advised that they can provide a very good product for \$500,000. He said the issue is that the City does not know how much, if any, of the \$500,000 can be matched with EPA grants or other grants or programs. He said the committee's recommendation at this time is to (1) keep on schedule with the design work and (2) continue to discuss the proposal from Brown and Caldwell with the County to firmly define the exact cost for the City.

Council Member Holmes said that the County had recently signed an agreement with the Corps of Engineers to conduct a study for several million dollars. He asked how the money is being used and will it assist in reaching a final decision. Mr. Warren explained that the agreement is the same agreement used by the City to build the School Park Preserve. He said the money has so far been used to reimburse the consultants working on the regional studies and pipeline. Council Member Holmes asked for information that would define exactly how the money is to be used.

Mayor Nesbitt said that the committee felt the \$500,000 report may be a report that will entail grant monies that could refund the City. He said it may end up being a free report. He said if the City finds that it will not be reimbursed, there is the option to buy into reserve capacity of the pipeline for \$2,000,000.00. He said the City would be buying something that it could resell.

Council Member Hanley said the Council had previously approved \$7,000.00 as part of the City's share to conduct a study. He said he thought the study was initiated to obtain more firm costs on the hook-up with the City of Lincoln. Mr. Warren affirmed that was the case and advised that the City has not yet been billed for it. Mr. Hanley questioned if the study provided accurate numbers. He asked if the new study would provide more refined numbers.

Mr. Warren said the previous study did provide a number of approximately \$122.00 per month that he still believes is a good number on a conservative basis. He said the number that is now being sought is the actual cost that would result for the project. He said there will be one estimate and not a high and a low amount.

Mayor Nesbitt said the new study would entail actual soils work to more clearly know what will be encountered. He said it would include what rights-of-way will be necessary. He said this study would get into the actual construction of the pipeline and refine the peripheral issues. He said the first study was more general in an attempt to discover financing options and provide a per unit number.

Council Member Hanley said the "hit" to ratepayers has always been the issue. He said his concern would be how many Council Members would support a rate increase if that is what the study unfolds. He asked Mr. Warren if there were any other revenue sources to lower the costs. Mr. Warren said there have been many discussions and, although there are some possibilities, they are years away at this time. Mr. Warren said there is nothing specific regarding grant programs at this time.

Council Member Holmes stated that in 1961 the voters of Placer County voted a bond issue which became the Middle Fork Project. He said that since that time citizens of Auburn and Placer County have been paying their paid utility bills, to both PG&E and Placer County Water Agency (PCWA). He said his feeling is that "some of the windfall" that comes from re-licensing, split between Placer County and PCWA, "should be dedicated to improving the wastewater treatment plants in this region." He said he would like to get some support to move in that direction.

Council Member Hanley supported the comments of Council Member Holmes. He said that at the next Council Session there should be a resolution “that says to the Board of Supervisors; we support the future use of any excess money, after normal maintenance of the water system, for wastewater treatment plant maintenance, hook-up, and regional pipelines” for jurisdictions other than the County.

By **RESOLUTION 08-139:**

- A. Resume engineering design of onsite improvements to the Auburn Wastewater Treatment Plant;
- B. Continue the dialog with Placer County regarding funding for the design work on the regional pipeline.

**MOTION: Holmes/Hanley/Approved 5:0**

Mayor Nesbitt asked the Council Members if they would like the resolution, suggested by Council Member Hanley, presented at the next meeting. Council Member Snyder stated that he would support it with particular emphasis on regional wastewater solutions that involve reclaimed water. Council Member Holmes said that it should be addressed to PCWA as well as Placer County. Mayor Nesbitt asked that the resolution be presented at the next meeting. All members concurred.

**ADJOURNMENT**

Mayor Nesbitt, without objection, adjourned the meeting at 7:05 p.m.

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Keith Nesbitt, Mayor

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Joseph G. R. Labrie, City Clerk